

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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EASTOWN, INC and DIETRICH TRUST,

Plaintiffs,

v.

Case No. 04-72977

DEEPER LIFE CHRISTIAN CHURCH, INC, *et al.*,

Defendants.

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**OPINION AND ORDER GRANTING MOTION FOR ORDER TO RENEW CIVIL  
JUDGMENT**

Pending before the court is a Motion for Order to Renew Civil Judgment, filed by Trustee Basil Simon on October 30, 2014 (Dkt. # 17). Having reviewed the briefs, the court concludes a hearing is unnecessary. See E.D. Mich. LR 7.1(f)(2). For the reasons stated below, the court will grant the motion.

Basil T. Simon is the duly appointed, acting, and qualified Chapter 7 Bankruptcy Trustee of Edgar J. Dietrich, who filed a bankruptcy petition in the United States Bankruptcy Court for the Eastern District of Michigan, Southern Division on August 21, 2013. *In re Dietrich*, No. 13-57297 (Bankr. E.D. Mich. 2013). As part of his investigation of Dietrich's financial affairs, Simon discovered that Plaintiff/Judgment Creditor Dietrich Trust is the holder of an Order of Default Judgment (the "Judgment"), dated December 15, 2004 (Dkt. # 8) in the amount of \$1,965,120.69. According to Simon, Dietrich failed to disclose his interest in the Judgment when he filed his bankruptcy petition. Simon believes some payments have been made to the Dietrich Trust, but has discovered from

Defendants that at least \$300,000 remains due on the Judgment. No party has objected to the motion.<sup>1</sup> Mich. Comp. Laws § 600.2903 authorizes renewal of judgments and § 600.5809(3) authorizes an action upon the judgment for a new judgment. An ex parte motion to extend, such as this one, is considered an action under § 600.5809(3). *Van Reken v. Darden, Neef & Heitsch*, 674 N.W.2d 731, 735 (Mich. Ct. App. 2003).

Accordingly,

IT IS ORDERED that the Trustee's Motion for Order to Renew Civil Judgment (Dkt. # 17) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to Renew the Judgment in this action.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 11, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 11, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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<sup>1</sup>On September 24, 2014, Dietrich sent a letter to the court, which was filed November 10, 2014 (Dkt. # 18), complaining of various injustices he has suffered in the course of his bankruptcy proceedings, but not objecting to the (then yet-to-be-filed) Motion. In any event, the extension could not possibly harm Dietrich or the Trust's beneficiaries. Simon filed a "Response" to the correspondence. Dietrich's concerns, including the propriety of the Trustee's control of the Dietrich Trust, are not before this court and should be directed to the Bankruptcy Court.